

# THE DELAWARE COURTS



## INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court and related judicial agencies.

In terms of interrelationships among the courts, the Delaware Court system is similar to a pyramid. The Justice of the Peace Court represents the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and, thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings in resources used to handle the matters and in speedier resolution of the issues at hand.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed \$15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the justices of the peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of in-



terest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors in the State except certain drug-related offenses. It also handles motor vehicle offenses (excluding those that are felonies). In addition, the Court is respon-

sible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

The Court of Chancery has jurisdiction to hear all matters relating to eq-

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uity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate, as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established by the Supreme Court.

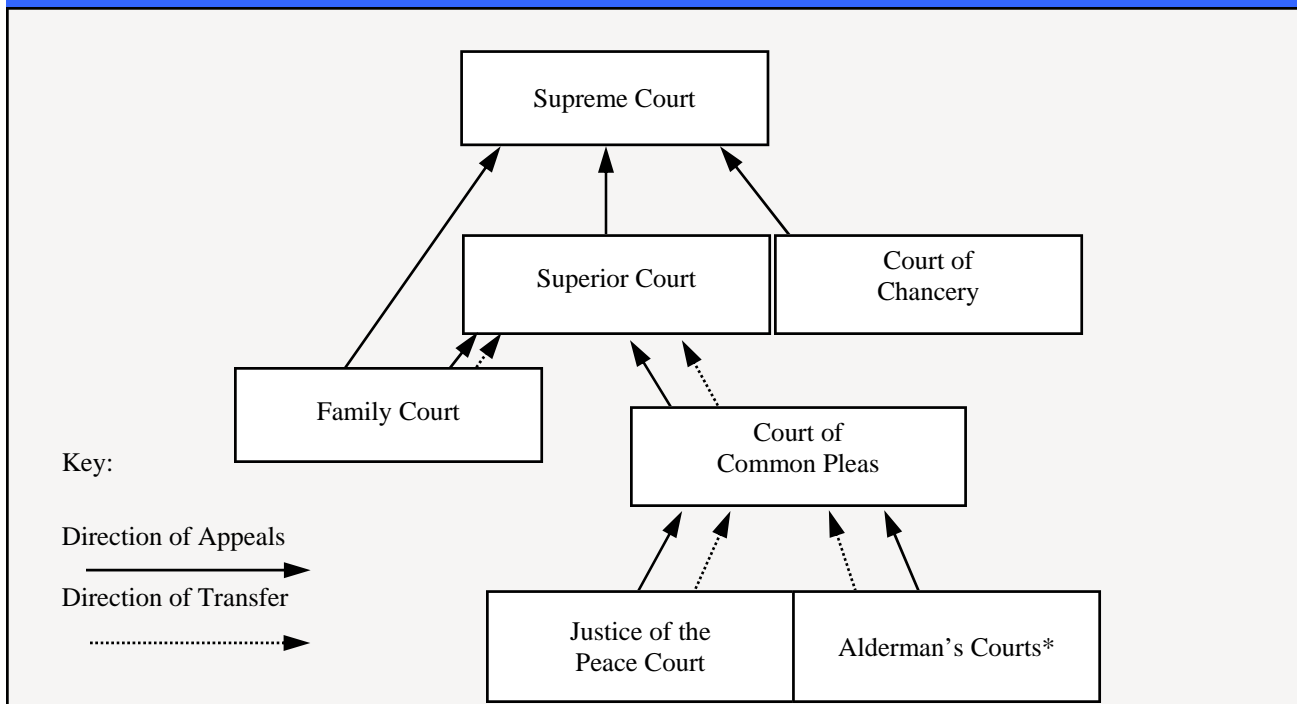
Other agencies associated with the Delaware Judicial Branch include these state agencies: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Program, Law Libraries, Office of the Public Guardian, Office of the Child Advocate, Child Death, Near Death and Still Birth Commission, and the Nursing Home Residents Quality Assurance Commission.



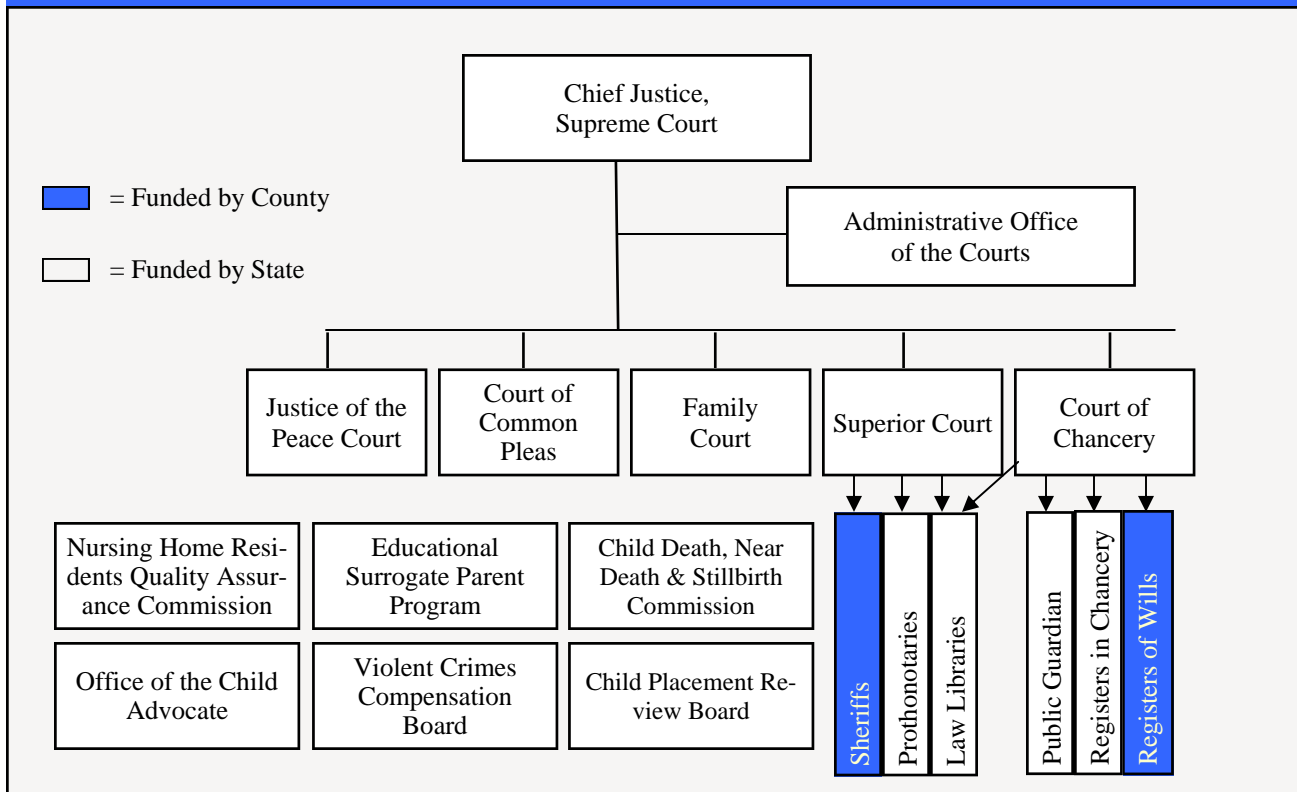
The jury system is an important component of a fair and independent Judiciary.

# OVERVIEW OF THE COURTS

## APPEALS & TRANSFERS



## ADMINISTRATIVE AUTHORITY AND FUNDING



\*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective Municipalities. However, cases may be transferred or appealed to a State court.

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## COURT OF LAST RESORT

### SUPREME COURT

Final appellate jurisdiction for criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments, certain orders of the Court of Chancery, the Superior Court, and the Family Court and court designated boards. Issuer of certain writs.

## EQUITY COURT

### COURT OF CHANCERY

Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial/contractual matters).

## LAW COURT

### SUPERIOR COURT

Original statewide jurisdiction over criminal and civil cases (except equity cases). Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors). Involuntary commitments to Delaware Psychiatric Center. Intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal) and administrative boards.

## COURTS OF LIMITED JURISDICTION

### FAMILY COURT

Extensive jurisdiction over all domestic relations matters, including divorce, custody, guardianships, adoptions, visitation, child and spousal support, and property division. Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders. Jurisdiction over all juvenile offenses except certain serious offenses.

### COURT OF COMMON PLEAS

Statewide jurisdiction in civil actions that do not exceed \$50,000. All criminal misdemeanors (except certain drug-related offenses). All motor vehicle offenses (except felonies). Responsible for preliminary hearings. Appeals from the Justice of the Peace Courts, Alderman's Courts, and the Division of Motor Vehicles.

### JUSTICE OF THE PEACE COURT

Civil cases that do not exceed \$15,000. Certain misdemeanors and most motor vehicle cases (except felonies). May act as committing magistrate for all crimes. Landlord/tenant disputes.

### ALDERMAN'S COURTS\*

Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

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